



Bulletin

2006-09B

TO: Boards of Assessors

FROM: Marilyn H. Browne, Chief, Bureau of Local Assessment

DATE: June 30, 2006

SUBJECT: NEW GROWTH — WIRELESS TELECOMMUNICATIONS CARRIERS — FY06 & FY07

As a result of the May 15, 2006 Appellate Tax Board (ATB) Decision and Order filed for Bell Atlantic Mobile of Massachusetts Corporation, Ltd and the Board of Assessors of the City of Newton (see <http://www.dls.state.ma.us/bla/TelProject/BellAtlanticMobileDecisionandOrder.pdf>) communities may have determined to issue FY06 omitted or revised assessment under M.G.L. c. 59, §§ 75 and 76 and/or establish their own valuations for these carriers' taxable personalty for FY07. Any of the aforementioned activities could affect the calculation of tax base levy growth (new growth).

Since it is anticipated that the ATB Decision will be appealed, communities that issue revised or omitted bills for FY06 or new FY07 valuations must make adequate provisions in their Overlay Account for FY07.

For communities choosing to value the wireless companies as non-telephone companies, assessors should reclassify them to the 504 class. Communities deciding to treat the companies as telephone and telegraph companies must use the Commissioner's values and use the 505 class in the FY07 Automated Tax Recap.

Assessors electing to use values other than those issued by the Commissioner for FY06 and/or FY07 must follow the requirements below:

1. The Bureau of Local Assessment (BLA) must receive an *Omitted and Revised Assessment Report* for FY06 along with a copy of all commitment lists for these assessments by June

30th or 100 days after the date the actual tax bills were mailed, whichever is later. (IGR No. 90-215)

2. A list of previously exempt machinery being valued for the first time must be submitted to BLA with the *Amended Tax Base Growth Report* for FY06. (IGR No. 06-402)
3. Amended new growth will not be allowed for Omitted or Revised bills issued for FY07 for Wireless Telecommunications Carriers as a result of the ATB Decision and Order. Assessors must determine whether they will issue bills that reflect a value different from that of the Commissioner's in their actual FY07 tax bills.
4. A list of previously exempt machinery valued for the first time must be submitted to BLA with the *Tax Base Growth Report, LA-13* for FY07 if revised or omitted bills were not issued for FY06. (IGR No. 06-402)
5. Companies that were valued by the Department of Revenue (DOR) as LLCs or Partnerships in FY04 or FY05 are only subject to new growth on machinery that was acquired by those companies after those dates since the telephone machinery was previously valued and new growth was previously taken.
6. Companies that were valued by DOR as corporations for FY06 are now subject to having all of their machinery taxed for the first time and that machinery will be considered new growth (excluding generators that were previously valued by BLA). If a corporation was an LLC or a Partnership in FY04, then only machinery acquired after FY04 is eligible for new growth.

Companies that have merged since FY04 may have new growth depending on their current corporate status. Companies that were corporations and have merged with any LLC or Partnership should follow the directions given in number 5 above. Companies that merged and all parties were and continue to be corporations should follow the instructions in number 6 above.